

STATE OF INDIANA  
BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

**ORDINANCE NO. 2017 – OR – 032**

**AN ORDINANCE ACCEPTING DEDICATION OF A CERTAIN ROADWAY AND EASEMENTS WITHIN THE SELLERSBURG INDUSTRIAL PARK**

**WHEREAS**, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this “Council”) is the town legislative body and the President of the town council is the town executive; and,

**WHEREAS**, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

**WHEREAS**, the Ballew Gift Trust desires to dedicate a certain roadway and easements to the Town of Sellersburg, Indiana as legally described and depicted in Exhibit A and Exhibit B attached hereto; and,

**WHEREAS**, this Council desires to accept said roadway and easements.

**NOW THEREFORE BE IT ORDAINED** by this Town Council of Sellersburg, Indiana the following:

1. The roadway within the Sellersburg Industrial Park and as more specifically described in Exhibit A is hereby accepted into the road inventory of the Town of Sellersburg.  
AB QOB 12-18-17
2. This ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Council.

So Ordained this 18 day of December, 2017

*[Signature page to follow]*

“Aye”

“Nay”

Paul J. Rhodes  
Paul J. Rhodes  
Council President

\_\_\_\_\_  
Paul J. Rhodes  
Council President

Brad Amos  
Brad Amos  
Council Vice President

\_\_\_\_\_  
Brad Amos  
Council Vice President

Martina Webster  
Martina Webster  
Council Member

\_\_\_\_\_  
Martina Webster  
Council Member

Jim LaMaster  
Jim LaMaster  
Council Member

\_\_\_\_\_  
Jim LaMaster  
Council Member

William Conlin  
William Conlin  
Council Member

\_\_\_\_\_  
William Conlin  
Council Member

Michelle D. Miller  
Attested by: Michelle Miller  
Sellersburg Clerk-Treasurer

FIRST READING

DATE: 12/18/17

MOTION: Amos

SECOND: LaMaster

VOTE: 5 AYE 0 NAY 0 ABSTAIN

SECOND READING

DATE: 12/18/17

MOTION: Amos

SECOND: Conlin

VOTE: 5 AYE 0 NAY 0 ABSTAIN

Property Address:

Roadways in Sellersburg Industrial Park

Sellersburg, IN 47172

Tax I.D. Number: Parcel is a split from 017-41-1300

State Number: Parcel is a split from 10-17-08-900-629.000-031

### **GENERAL WARRANTY DEED**

THIS INDENTURE WITNESSETH, that the BALLEW GIFT TRUST, whose mailing address is 1444 Horn Street, Clark County, State of Indiana, hereinafter called the Grantor, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged,

### **CONVEYS AND WARRANTS**

unto the TOWN OF SELLERSBURG, an Indiana municipality, hereinafter called the Grantee, the following described real estate situated in the County of Clark, State of Indiana, described as follows, to-wit:

See attached Exhibit "A", three (3) pages, for the Surveyor's legal description of the property, along with a plat of the property showing the location of the property within the Sellersburg Industrial Park. The roadways included in this conveyance for public use are more commonly known as Industrial Boulevard, Progress Way and Progressive Boulevard, all of which are located within Sellersburg Industrial Park.

Subject to any and all easements and/or restrictions of public record which may apply to the above described real estate.

The undersigned certifies that no Indiana taxes are due as a result of this transaction. The undersigned furthermore certifies that she has lawful authority to enter into this transaction on behalf of the Grantor of the deed, and that any corporate formalities required to confer such authority have been done in accordance with law. The Grantee by acceptance of this Warranty Deed of Conveyance assumes and agrees to pay the 2018 real estate taxes, due and payable 2019, if any, and all subsequent real estate taxes due thereafter, if any.

IN WITNESS WHEREOF, the Grantor has hereunto set their hand and seal, this the \_\_\_\_\_ day of November, 2017.

\_\_\_\_\_  
Virginia K. Ballew, Trustee  
The Ballew Gift Trust

STATE OF INDIANA        )  
                                      )  
COUNTY OF CLARK        )

On this \_\_\_\_\_ day of November, 2017, before me, Stanley A. Richards, a Notary Public for said county and state, personally appeared Virginia K. Ballew, as the Trustee and duly authorized representative of the Ballew Gift Trust, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the above and foregoing deed.

WITNESS my hand and notarial seal.

\_\_\_\_\_  
Stanley A. Richards, Notary Public  
My Commission Expires: January 11, 2023  
County of Residence: Clark

I affirm, under the pains and penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law, Virginia K. Ballew.

MAIL TAX STATEMENTS TO:  
The Town of Sellersburg  
316 E. Utica Street  
Sellersburg, IN 47172

GRANTEE'S MAILING ADDRESS:  
The Town of Sellersburg  
316 E. Utica Street  
Sellersburg, IN 471725

This Instrument Prepared By:  
Virginia K. Ballew  
The Ballew Gift Trust  
1444 Horn Street  
Clarksville, IN 47129  
(812) 285-1475

Mail Recorded Deed To:  
The Town of Sellersburg  
316 E. Utica Street  
Sellersburg, IN 47172

**EXHIBIT "A" (page 1 of 3)**

**LEGAL DESCRIPTION**

JOB #: A0200052

SELLERSBURG INDUSTRIAL PARK

50' WIDE ROAD RIGHT-OF-WAY

6.629 ACRES

A part of Survey #89 of the Illinois Grant, Silver Creek Township, Clark County, Indiana, described as follows:

Beginning at a 4"x15" stone at the East corner of Survey #89,

Thence South 50°08'19" West, a distance of 2,475.03 feet to a 8"x8" stone,  
Thence North 39°59'00" West, a distance of 1,501.90 feet to a steel post,  
Thence North 12°17'46" West, a distance of 2.93 feet to a steel post, THE TRUE POINT OF BEGINNING.

Thence North 12°17'46" West, a distance of 50.00 feet to a point,  
Thence North 77°27'00" East, a distance of 375.08 feet to a point,  
Thence along a curve to the left having a radius of 25.00 feet, an arc length of 39.27 feet, a chord bearing of North 32°27'00" East, and a chord distance of 35.36 feet to a point,  
Thence North 12°33'00" West, a distance of 753.13 feet to a point,  
Thence along a curve to the right having a radius of 75.00 feet, an arc length of 40.96 feet, a chord bearing of North 03°05'41" East, and a chord bearing distance of 40.45 feet to a point,

Thence North 18°44'23" East, a distance of 226.19 feet to a point,  
Thence along a curve to the left having a radius of 200.00 feet, an arc length of 61.52 feet, a chord bearing of North 05°06'20" East, and a chord distance of 61.28 feet to a point,

Thence North 03°01'45" West, a distance of 169.93 feet to a point,  
Thence along a curve to the right having a radius of 175.00 feet, an arc length of 106.82 feet, a chord bearing of North 19°25'02" East, and a chord distance of 105.17 feet to a point,

Thence North 36°54'11" East, a distance of 391.69 feet to a point,  
Thence along a curve to the right having a radius of 85.00 feet, an arc length of 152.65 feet, a chord bearing of North 88°21'05" East, and a chord distance of 132.95 feet to a point,

Thence South 40°12'01" East, a distance of 1,314.60 feet to a point,  
Thence South 49°47'59" West, a distance of 50.00 feet to a point,  
Thence North 40°12'01" West, a distance of 1,314.60 feet to a point,  
Thence along a curve to the left having a radius of 35.00 feet, an arc length of 62.86 feet, a chord bearing of South 88°21'05" West, and a chord distance of 54.74 feet to a point,  
Thence South 36°54'11" West, a distance of 391.69 feet to a point,  
Thence along a curve to the left having a radius of 125.00 feet, an arc length of 76.30 feet, a chord bearing of South 19°25'02" West, and a chord distance of 75.12 feet to a point,

## EXHIBIT "A" (page 2 of 3)

Thence along a curve to the left having a radius of 200.00 feet, an arc length of 73.88 feet, a chord bearing of South 05°58'22" West, and a chord distance of 73.46 feet to a point,

Thence South 18°44'23" West, a distance of 228.19 feet to a point,

Thence along a curve to the left having a radius of 25.00 feet, an arc length of 13.65 feet, a chord bearing of South 03°05'41" West, and a chord distance of 13.48 feet to a point,

Thence South 12°33'00" East, a distance of 820.03 feet to a point,

Thence along a curve to the left having a radius of 50.00 feet, an arc length of 23.94 feet, a chord bearing of South 26°16'00" East, and a chord distance of 23.71 feet to a point,

Thence South 39°59'41" East, a distance of 808.20 feet to a point,

Thence along a curve to the left having a radius of 75.00 feet, an arc length of 117.83 feet, a chord bearing of South 84°59'30" East, and a chord distance of 106.08 feet to a point,

Thence North 50°00'00" East, a distance of 1,161.50 feet to a point on the West line of the South Central Regional Airport Authority, Instrument #201320575, West of the New Bean Road,

Thence South 04°45'06" East, a distance of 61.22 feet along said line, to a point,

Thence South 50°00'00" West, a distance of 1,126.17 feet to a point,

Thence along a curve to the right having a radius of 125.00 feet, an arc length of 196.39 feet, a chord bearing of North 84°59'30" West, and a chord distance of 176.80 feet to a point,

Thence North 39°59'41" West, a distance of 805.42 feet to a point,

Thence along a curve to the left having a radius of 75.00 feet, an arc length of 81.90 feet, a chord bearing of North 71°16'00" West, and a chord distance of 77.89 feet to a point,

Thence South 77°27'00" West, a distance of 346.26 feet to a point, THE TRUE POINT OF BEGINNING.

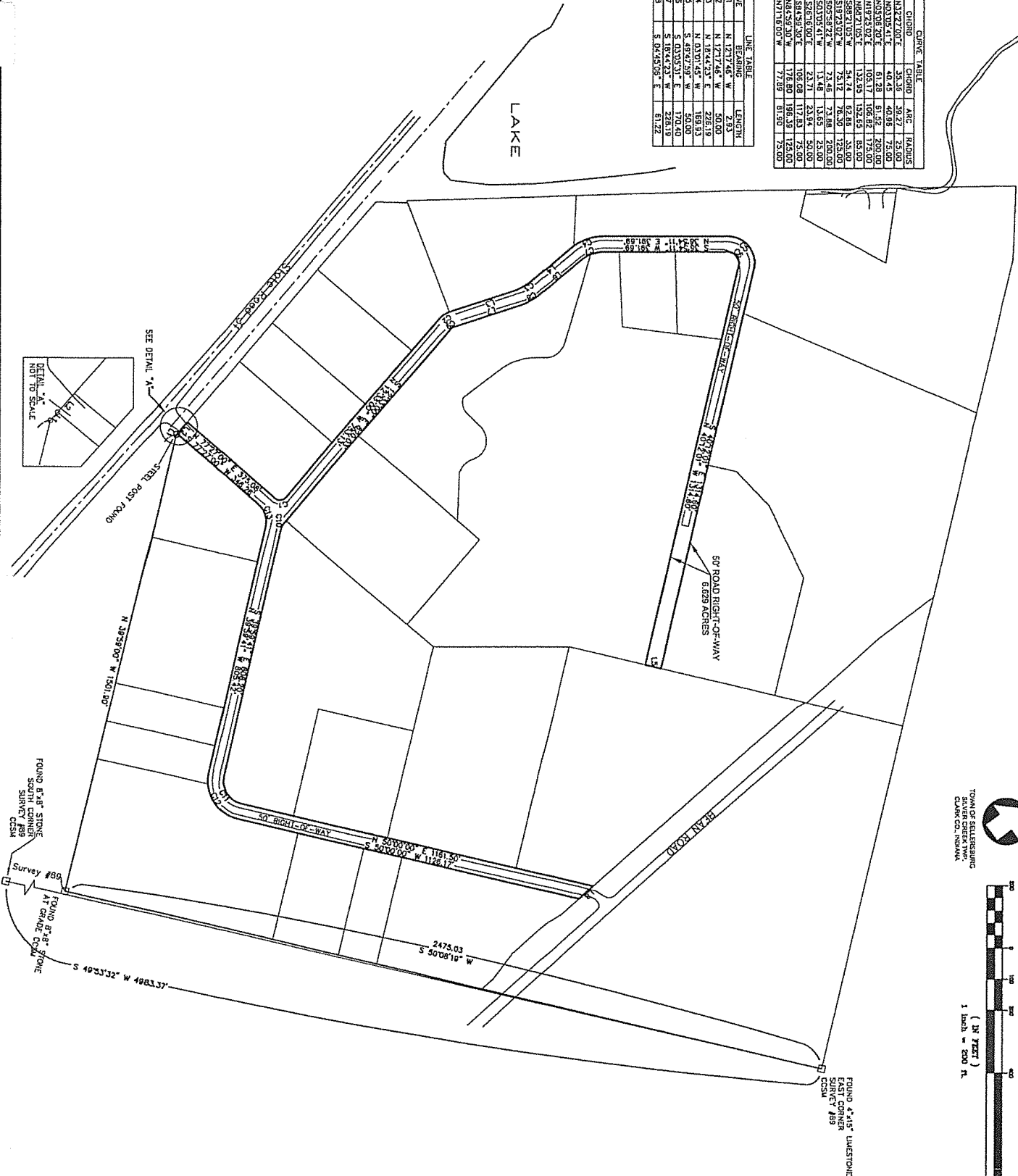
Containing 6.629 acres.

# EXHIBIT "A" (page 3 of 3)

CURVE	CHORD	ARC	RADIUS
C1	N32°22'00"E 35.36	39.27	75.00
C2	N03°05'41"E 40.45	40.95	75.00
C3	N03°05'20"E 61.29	61.92	75.00
C4	N03°05'20"E 132.36	132.36	75.00
C5	N03°05'20"E 132.36	132.36	75.00
C6	S06°21'05"W 54.74	62.48	35.00
C7	S19°23'02"W 73.12	76.50	125.00
C8	S05°58'22"W 73.46	73.88	200.00
C9	S03°05'41"W 13.48	13.65	25.00
C10	S26°16'00"E 23.71	23.94	50.00
C11	N03°05'20"E 132.36	132.36	75.00
C12	N03°05'20"E 132.36	132.36	75.00
C13	N03°05'20"E 132.36	132.36	75.00

LINE	BEARING	LENGTH
L1	N 1°17'46" W	25.35
L2	N 1°17'46" W	25.35
L3	N 1°17'46" W	25.35
L4	N 03°05'41" W	169.83
L5	S 49°27'59" W	50.00
L6	S 03°05'31" E	170.40
L7	S 18°44'23" W	226.19
L8	S 04°45'06" E	61.22

LAKE



TOWNSHIP OF SELLERSBURG  
SILVER CREEK TWP.  
CLARK CO., INDIANA



GRAPHIC SCALE  
(IN FEET)  
1 inch = 200 ft.

FOUND 4"x15" LIMESTONE  
CORNER #89

FOUND 6"x8" STONE  
SOUTH CORNER  
SURVEY #89

Survey #89  
FOUND 6"x8" STONE  
N1 GRADE CORNER

50' WIDE ROAD RIGHT-OF-WAY  
SELLERSBURG INDUSTRIAL PARK  
SELLERSBURG, INDIANA  
ORDERED BY: JESSE BALLEW  
OWNER: THE BALLEW GIFT TRUST

**BOB ISGRIGG & ASSOCIATES**  
CIVIL ENGINEERS / LAND SURVEYORS  
518 E. COURT AVENUE JEFFERSONVILLE, IN 47130  
(812) 285-1011 Phone | (812) 285-1012 Fax  
<http://www.INKYLandSurvey.com>



PROFORMA

DRAWN BY IDS  
CHECKED BY R.L.I.  
SCALE 1"=200'  
DATE 11/15/2017  
REVISED  
JOB NO. A0200052E

1 of 1





**SELLERSBURG INDUSTRIAL PARK  
Sewer, Drainage and Utility Easements  
(REVISION OF LEGAL DESCRIPTION)**

THIS INDENTURE WITNESSETH that the Ballew Gift Trust, hereinafter referred to as "GRANTOR", does hereby grant, transfer and convey to the Town of Sellersburg, Duke Energy, Vectren Utility Holdings d/b/a Vectren Corporation, AT&T Inc., Time Warner Cable/Spectrum, other utility providers and the County of Clark, State of Indiana, hereinafter referred to collectively as "GRANTEES"; permanent and perpetual easements with the rights, privilege and authority to enter upon, dig, construct, install, repair, erect, reconstruct, renew and lay, and thereafter to use, operate, maintain, inspect, repair remove, patrol, replace and continue storm and sanitary sewers, drainage and utilities over, across, under and through the land of the GRANTOR situated in Clark County, State of Indiana, together with the right of ingress and egress over the adjacent lands of the GRANTOR, and the GRANTOR'S successors and assigns, for the purpose of these easements.

These easements shall be over and along the following described property located in the County of Clark, State of Indiana, described as follows, to wit:

The descriptions of said easements are attached hereto, made a part hereof, and marked Exhibit "A", containing three (3) pages.

The GRANTEES, other utilities, and their successors and assigns, shall have the right to enter along, over and upon said easements to install, construct, repair, relocate, service and maintain all such sewers, drainage and utilities, at will, and to make such alterations and improvements on the facilities thereof as may be necessary or useful. The GRANTEES, other utilities, and their successors and assigns, shall have the right to remove from the extent of the easements any encroaching trees or other obstructions to the free and unobstructed easements, and to build and maintain all necessary intakes, manholes and other devices incident to such drainage, sewers and other utilities, and shall have the right of ingress and egress only over the adjoining premises and lands when necessary and without doing damage to such adjoining lands, and only for temporary periods, and shall not otherwise enter upon lands adjoining said easements.

The consideration herein above recited shall constitute payment in full for any damages to the land of the GRANTOR, and the GRANTOR'S successors and assigns, by reason of the installation, operation and maintenance of the structures or improvements referred to herein. The GRANTEES covenant to maintain the easements in good repair so that no unreasonable damage will result from its use to the adjacent land of the GRANTOR, and the GRANTOR'S successors and assigns.

The grant and other provisions of these easements shall constitute a covenant running with the land for the benefit of the GRANTEES, its successors and assigns.

The purpose of this easement is to revise the legal description of the prior easement granted, to include easements along all of the final roadways contained within Sellersburg Industrial Park. The prior easement, recorded as Instrument #3208501, and recorded on May 19, 2000, in the Office of the Recorder of Clark County, Indiana is hereby replaced by this revised easement.

IN WITNESS WHEREOF, the GRANTOR has executed this instrument this \_\_\_\_ day of November, 2017.

\_\_\_\_\_  
Virginia K. Ballew, Trustee  
The Ballew Gift Trust

STATE OF INDIANA        )  
  )  
COUNTY OF CLARK        )

On this \_\_\_\_\_ day of November, 2017, before me, Stanley A. Richards, a Notary Public for said county and state, personally appeared Virginia K. Ballew, as the Trustee and duly authorized representative of the Ballew Gift Trust, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the above and foregoing deed.

WITNESS my hand and notarial seal.

\_\_\_\_\_  
Stanley A. Richards, Notary Public  
My Commission Expires: January 11, 2023  
County of Residence: Clark

I affirm, under the pains and penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law, Virginia K. Ballew.

This Instrument Prepared By:  
Virginia K. Ballew  
The Ballew Gift Trust  
1444 Horn Street  
Clarksville, IN 47129  
(812) 285-1475

Mail Recorded Instrument To:  
Virginia K. Ballew  
The Ballew Gift Trust  
1444 Horn Street  
Clarksville, IN 47129

**EXHIBIT "A" (page 1 of 6)**

**LEGAL DESCRIPTION**

JOB #: A0200052

SELLERSBURG INDUSTRIAL PARK

20' WIDE SANITARY SEWER, DRAINAGE, & UTILITY EASEMENT

1.672 ACRES

A part of Survey #89 of the Illinois Grant, Silver Creek Township, Clark County, Indiana, described as follows:

Beginning at a 4"x15" stone at the East corner of Survey #89,

Thence South 50°08'19" West, a distance of 2,475.03 feet to a 8"x8" stone,  
Thence North 39°59'00" West, a distance of 1,501.90 feet to a steel post,  
Thence North 12°17'46" West, a distance of 2.93 feet to a steel post,  
Thence North 12°17'46" West, a distance of 50.00 feet to a point, THE TRUE POINT OF BEGINNING,

Thence North 77°27'00" East, a distance of 375.08 feet to a point,  
Thence along a curve to the left having a radius of 25.00 feet, an arc length of 39.27 feet, a chord bearing of North 32°27'00" East, and a chord distance of 35.36 feet to a point,  
Thence North 12°33'00" West, a distance of 753.13 feet to a point,  
Thence along a curve to the right having a radius of 75.00 feet, an arc length of 40.96 feet, a chord bearing of North 03°05'41" East, and a chord bearing distance of 40.45 feet to a point,

Thence North 18°44'23" East, a distance of 226.19 feet to a point,  
Thence along a curve to the left having a radius of 200.00 feet, an arc length of 61.52 feet, a chord bearing of North 05°06'20" East, and a chord distance of 61.28 feet to a point,

Thence North 03°01'45" West, a distance of 169.93 feet to a point,  
Thence along a curve to the right having a radius of 175.00 feet, an arc length of 106.82 feet, a chord bearing of North 19°25'02" East, and a chord distance of 105.17 feet to a point,

Thence North 36°54'11" East, a distance of 391.69 feet to a point,  
Thence along a curve to the right having a radius of 85.00 feet, an arc length of 152.65 feet, a chord bearing of North 88°21'05" East, and a chord distance of 132.95 feet to a point,

Thence South 40°12'01" East, a distance of 1,314.60 feet to a point,  
Thence North 49°47'59" East, a distance of 20.00 feet to a point,  
Thence North 40°12'01" West, a distance of 1,314.60 feet to a point,  
Thence along a curve to the left having a radius of 105.00 feet, an arc length of 188.57 feet, a chord bearing of South 88°21'05" West, and a chord distance of 164.23 feet to a point,

## EXHIBIT "A" (page 2 of 6)

Thence South  $36^{\circ}54'11''$  West, a distance of 391.69 feet to a point,  
Thence along a curve to the left having a radius of 195.00 feet, an arc length of 119.92 feet, a chord bearing of South  $19^{\circ}17'06''$  West, and a chord distance of 118.04 feet to a point,

Thence South  $03^{\circ}01'45''$  East, a distance of 170.88 feet to a point,  
Thence along a curve to the left having a radius of 180.00 feet, an arc length of 54.66 feet, a chord bearing of South  $04^{\circ}57'24''$  West, and a chord distance of 54.45 feet to a point,

Thence South  $18^{\circ}44'23''$  West, a distance of 225.32 feet to a point,  
Thence along a curve to the left having a radius of 95.00 feet, an arc length of 51.88 feet, a chord bearing of South  $03^{\circ}05'41''$  West, and a chord distance of 51.24 feet to a point,

Thence South  $12^{\circ}33'00''$  East, a distance of 753.13 feet to a point,  
Thence along a curve to the right having a radius of 5.00 feet, an arc length of 7.85 feet, a chord bearing of South  $32^{\circ}27'00''$  West, and a chord distance of 7.07 feet to a point,

Thence South  $77^{\circ}27'00''$  West, a distance of 374.99 feet to a point,  
Thence South  $12^{\circ}17'46''$  East, a distance of 20.00 feet to a point, THE TRUE POINT OF BEGINNING.

Containing 1.672 acres.

**EXHIBIT "A" (page 3 of 6)**

**LEGAL DESCRIPTION**

JOB #: A0200052

SELLERSBURG INDUSTRIAL PARK

20' WIDE SANITARY SEWER, DRAINAGE, & UTILITY EASEMENT

1.171 ACRES

A part of Survey #89 of the Illinois Grant, Silver Creek Township, Clark County, Indiana, described as follows:

Beginning at a 4"x15" stone at the East corner of Survey #89,

Thence South 50°08'19" West, a distance of 2,475.03 feet to a 8"x8" stone,  
Thence North 39°59'00" West, a distance of 1,482.67 feet to point, THE TRUE POINT  
OF BEGINNING,

Thence North 77°27'00" East, a distance of 337.41 feet to a point,  
Thence along a curve to the right having a radius of 55.00 feet, an arc length of 60.06  
feet, a chord bearing of South 71°15'57" East, and a chord distance of 57.12 feet to a  
point,

Thence South 39°59'41" East, a distance of 805.42 feet to a point,  
Thence along a curve to the left having a radius of 145.00 feet, an arc length of 227.81  
feet, a chord bearing of South 84°59'31" East, and a chord distance of 205.09 feet to a  
point,

Thence North 50°00'00" East, a distance of 1,112.03 feet to a point on the West line of  
the South Central Regional Airport Authority, Instrument #201320575, West of the New  
Bean Road,

Thence North 04°45'06" West, a distance of 24.49 feet along said line to a point,  
Thence South 50°00'00" West, a distance of 1,126.17 feet to a point,  
Thence along a curve to the right having a radius of 125.00 feet, an arc length of 196.39  
feet, a chord bearing of North 84°59'30" West, and a chord distance of 176.80 feet to a  
point,

Thence North 39°59'41" West, a distance of 805.42 feet to a point,  
Thence along a curve to the left having a radius of 75.00 feet, an arc length of 81.90 feet,  
a chord bearing of North 71°16'00" West, and a chord distance of 77.89 feet to a point,  
Thence South 77°27'00" West, a distance of 346.26 feet to a point,  
Thence South 12°17'46" East, a distance of 2.93 feet to a point,  
Thence South 39°59'00" East, a distance of 19.23 feet to THE TRUE POINT OF  
BEGINNING.

Containing 1.171 acres.

**EXHIBIT "A" (page 4 of 6)**

**LEGAL DESCRIPTION**

JOB #: A0200052

SELLERSBURG INDUSTRIAL PARK

20' WIDE SANITARY SEWER, DRAINAGE, & UTILITY EASEMENT

2.398 ACRES

A part of Survey #89 of the Illinois Grant, Silver Creek Township, Clark County, Indiana, described as follows:

Beginning at a 4"x15" stone at the East corner of Survey #89,

Thence South 50°08'19" West, a distance of 840.37 feet to point,

Thence North 39°49'06" West, a distance of 401.80 feet to point on the West line of the South Central Airport Authority, Instrument #201320575. West of the New Bean Road, THE TRUE POINT OF BEGINNING,

Thence North 04°45'13" West, a distance of 24.49 feet along said line to a point,

Thence South 50°00'00" West, a distance of 1,175.63 feet to a point,

Thence along a curve to the right having a radius of 55.00 feet, an arc length of 86.41 feet, a chord bearing of North 84°59'27" West, and a chord distance of 77.79 feet to a point,

Thence North 39°59'41" West, a distance of 808.18 feet to a point,

Thence along a curve to the right having a radius of 30.00 feet, an arc length of 14.38 feet, a chord bearing of North 26°16'47" West, and a chord distance of 14.24 feet to a point,

Thence North 12°33'00" West, a distance of 820.03 feet to a point,

Thence along a curve to the right having a radius of 5.00 feet, an arc length of 2.73 feet, a chord bearing of North 03°05'41" East, and a chord distance of 2.70 feet to a point,

Thence North 18°44'23" East, a distance of 228.56 feet to a point,

Thence along a curve to the left having a radius of 220.00 feet, an arc length of 81.39 feet, a chord bearing of North 06°03'32" East, and a chord distance of 80.92 feet to a point,

Thence North 03°05'31" West, a distance of 169.22 feet to a point,

Thence along a curve to the right having a radius of 105.00 feet, an arc length of 63.25 feet, a chord bearing of North 19°38'46" East, and a chord distance of 62.30 feet to a point,

Thence North 36°54'11" East, a distance of 391.69 feet to a point,

Thence along a curve to the right having a radius of 15.00 feet, an arc length of 26.94 feet, a chord bearing of North 88°21'05" East, and a chord distance of 23.46 feet to a point,

Thence South 40°12'01" East, a distance of 1,314.60 feet to a point,

## EXHIBIT "A" (page 5 of 6)

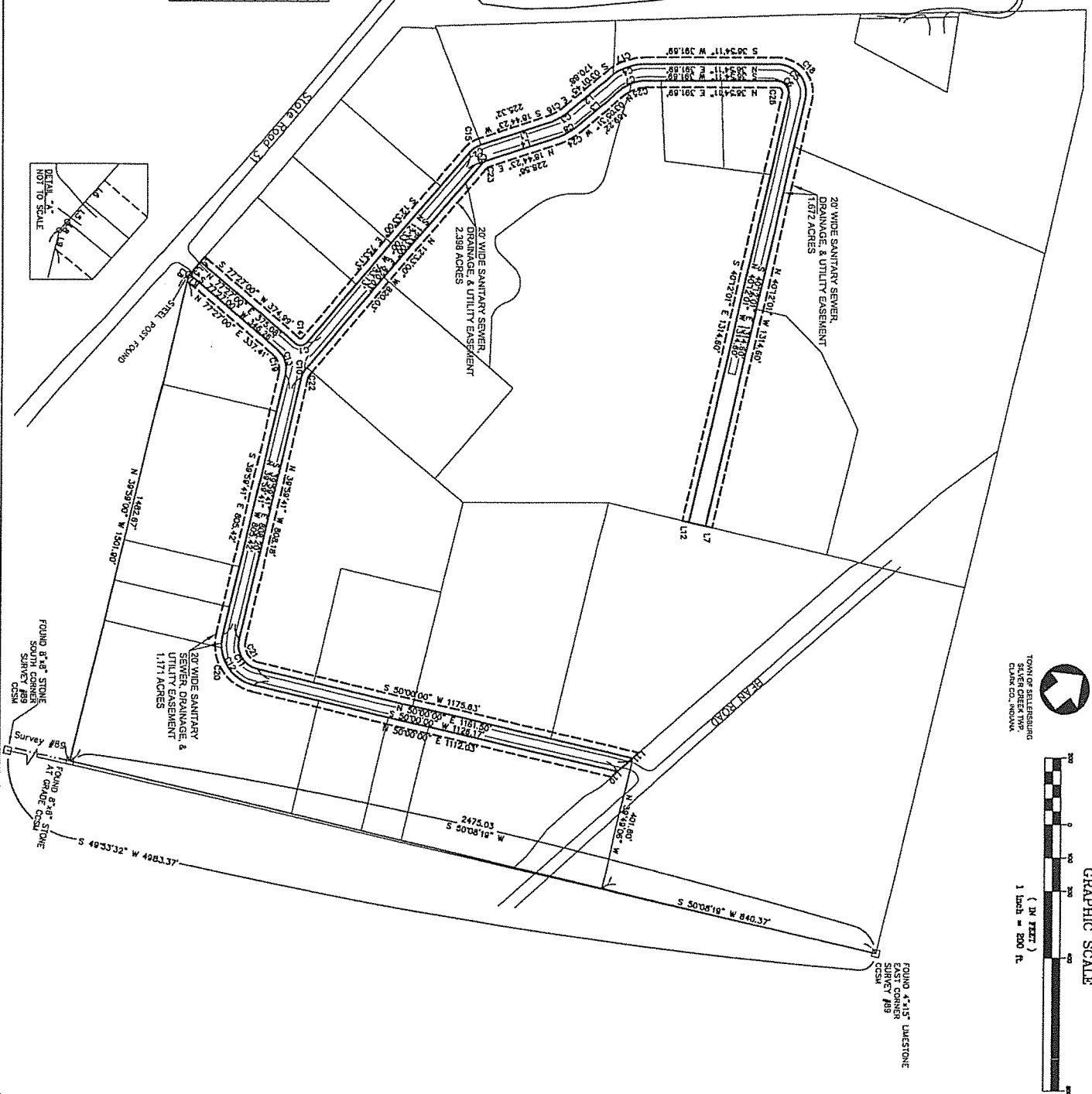
Thence North 49°47'59" East, a distance of 20.00 feet to a point,  
Thence North 40°12'01" West, a distance of 1,314.60 feet to a point,  
Thence along a curve to the left having a radius of 35.00 feet, an arc length of 62.86 feet,  
a chord bearing of South 88°21'05" West, and a chord distance of 54.74 feet to a point,  
Thence South 36°54'11" West, a distance of 391.69 feet to a point,  
Thence along a curve to the left having a radius of 125.00 feet, an arc length of 76.30  
feet, a chord bearing of South 19°25'02" West, and a chord distance of 75.12 feet to a  
point,  
Thence South 03°05'31" East, a distance of 170.40 feet to a point,  
Thence along a curve to the left having a radius of 200.00 feet, an arc length of 73.88  
feet, a chord bearing of South 05°58'22" West, and a chord distance of 73.46 feet to a  
point,  
Thence South 18°44'23" West, a distance of 228.19 feet to a point,  
Thence along a curve to the left having a radius of 25.00 feet, an arc length of 13.65 feet,  
a chord bearing of South 03°05'41" West, and a chord distance of 13.48 feet to a point,  
Thence South 12°33'00" East, a distance of 820.03 feet to a point,  
Thence along a curve to the left having a radius of 50.00 feet, an arc length of 23.94 feet,  
a chord bearing of South 26°16'00" East, and a chord distance of 23.71 feet to a point,  
Thence South 39°59'41" East, a distance of 808.20 feet to a point,  
Thence along a curve to the left having a radius of 75.00 feet, an arc length of 117.83  
feet, a chord bearing of South 84°59'30" East, and a chord distance of 106.08 feet to a  
point,  
Thence North 50°00'00" East, a distance of 1,161.50 feet to a point on the West line of  
the South Central Regional Airport Authority, Instrument #201320575, West of the New  
Bean Road, THE TRUE POINT OF BEGINNING.

Containing 2.398 acres.

EXHIBIT "H" (page 6 of 6)

Clare	Conc	Clare	FAIR	REBUS
C1	32977.027	51.38	19.22	75.00
C2	300135.41	40.45	40.96	75.00
C3	N05208.207	61.28	61.57	20.00
C4	18749.207	105.11	106.62	17.500
C5	N8871.057	13.953	13.953	65.00
C6	586125.057	54.74	62.86	30.00
C7	586125.057	54.74	62.86	30.00
C8	N05208.227	21.46	21.88	20.00
C9	502103.41	13.48	13.65	25.00
C10	526161.00	21.71	21.94	75.00
C11	N8459.307	108.08	118.33	75.00
C12	N8459.307	108.08	118.33	75.00
C13	502103.41	7.02	5.58	5.00
C14	502103.41	51.24	51.68	50.00
C15	50547.057	54.45	54.66	18.00
C16	50547.057	118.04	119.42	18.00
C17	18717.057	164.21	168.57	30.00
C18	50715.057	50.12	50.68	30.00
C19	50715.057	50.12	50.68	30.00
C20	N82165.227	37.73	38.41	55.00
C21	N82165.227	37.73	38.41	55.00
C22	N82165.227	14.24	14.68	30.00
C23	N0035.41	2.70	2.73	5.00
C24	N06103.37	80.92	81.39	22.00
C25	N19356.40	62.30	62.93	105.00
C26	N88120.57	23.46	23.94	15.00

LINE TABLE	
LINE	LENGTH
1	N 18°44'23" E
2	N 03°01'45" W
3	S 03°05'31" E
4	S 18°44'23" E
5	S 18°44'23" E
6	N 12°17'46" W
7	S 12°17'46" E
8	N 49°41'59" E
9	S 12°17'46" E
10	S 08°59'00" E
11	N 04°45'06" W
12	N 02°45'11" W
13	N 49°41'59" E



TOWN OF SELLERSBURG  
SILVER CREEK TWP.  
CLARK CO., INDIANA



GRAPHIC SCALE

( IN FEET )  
1 inch = 200 ft

DRAWN BY IDS  
CHECKED BY R.L.I.  
SCALE 1"=200'  
DATE 11/15/2017  
REVISED  
JOB NO. A0200052D

PROFORMA

20' WIDE SANITARY SEWER,  
DRAINAGE & UTILITY EASEMENTS  
SELLERSBURG INDUSTRIAL PARK  
SELLERSBURG, INDIANA  
ORDERED BY: JESSE BALLEW  
OWNER: THE BALLEW GIFT TRUST

*BOB ISGRIGG &  
ASSOCIATES*

**CIVIL ENGINEERS / LAND SURVEYORS**  
518 E. COURT AVENUE JEFFERSONVILLE, IN 47130  
(812) 285-1011 Phone | (812) 285-1012 Fax  
<http://www.InKyLandSurvey.com>







## INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue  
Room N955  
Indianapolis, Indiana 46204

PHONE: (317) 232-1474  
FAX: (317) 232-1499

**Eric Holcomb, Governor**  
**Joe McGuinness,**  
**Commissioner**

November 20, 2017

Mr. Jacob Elder  
Elder Law Office

VIA EMAIL

Mr. Elder,

You requested that I provide in letter format, the information sent in an email exchange with Mr. Stan Richards. The email content is about a private crossing in Sellersburg, and the town responsibilities should the crossing become public. In 1999, the Town first petitioned the State to make modifications to this private crossing. That petition was dismissed in December, 2000. The petition number is DOT-RR-1245. Following is the email with Mr. Richards about the railroad crossing at MP 100.57.

"Venetta,

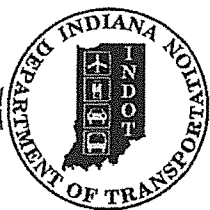
Jesse and I both appreciate you taking the time to speak with us today regarding the railroad crossing at the entrance to Sellersburg Industrial Park on Highway 31 in Sellersburg. Here is a brief summary of today's conversation, with a few additional comments from my limited research:

1. In the mid 90's we vacated an extremely dangerous elevated crossing, with limited site visibility, and the Town of Sellersburg vacated two crossings for the new and improved crossing (with proper warning devices) that was installed at the entrance to our Industrial Park at MP 100.57.
2. Upon completion of the roadways within the park, and after the one year waiting period and inspection, the Town was going to take over the roads as public roads. This completion and inspection have now been done. However, the Town now has three areas of concern that need to be addressed before they will agree to take over these roads. It is my understanding that they have not been able to get complete clarity from anyone in those areas.

The Town's areas of concern are maintenance, liability and the requirement to upgrade any warning devices. The following is my understanding of the Town's responsibility in these areas. Would you be so kind as to reply with any comments as to the validity of my comments?

**Maintenance:**

- a. The Town would have responsibility for the roadway approaches on both sides of the crossing, but they would not have any responsibility for the crossing itself. The railroad has full responsibility for the maintenance, repair and replacement of the crossing itself. This is correct. IC 8-23-5 details the railroad's responsibility for crossings.



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**Joe McGuinness,**  
**Commissioner**

b. The Town would be responsible for the advanced warning 'signs', which are already installed, and any pavement markings. This is correct as well. The Rail Programs office has a grant fund to assist with upgrading signage and pavement markings at the crossing. The railroad is responsible from end of tie to end of tie. This is correct, see IC 8-23-5.

### Liability:

a. The Town would have responsibility for the approaches, as they do with any public roadway, but not for the crossing. (In the research I have done, no municipality has ever been held responsible for any crossing accidents.) This is correct the Town is responsible for the approach as with any public roadway. I am unable to verify if a municipality has been held responsible for a crossing incident.

b. The railroad would be liable for the crossing. (I read where the Supreme Court ruled that trains have the right of way at crossings due to trains not being able to stop quickly. Thus, it looks as even the railroads liability only comes into play if there is negligence on their part.) This is correct, the railroad is only responsible for their right-of-way.

Warning Devices: It is my understanding that the Town is not responsible for upgrading warning devices unless THEY are the ones that choose to upgrade. This is correct, and the town would assume the cost for upgrading the warning devices if the upgrade is not ordered by the State, and the railroad has not independently elected an upgrade.

I have also attached the letter from Omega Rail Management stating their intent to close this private crossing, along with our letter requesting an extension of time to work out the details with the Town of Sellersburg.

I look forward to receiving your comments on the above. I appreciate that you, or one of the members of your staff, would be willing to speak with a Town Council member to discuss these items over the phone and would also be willing to have someone attend a council meeting. INDOT would be available to speak at a Town Council meeting if appropriate.

Thanks again for speaking with Jesse and myself."

Kindly let me know outcome of this meeting.

Venetta Keefe, Rail Programs Manager  
Indiana Department of Transportation.